HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 26302 OF 1997

Between:

Md. Ismail Zabiulla

… Petitioner

and

The Regional Manager, APSRTC,
Guntur Region

… Respondent

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO.26302 OF 1997

ORAL ORDER:

The petitioner questions the action of the respondent in not appointing him to the post of cleaner, as per the advertisement dated 29.8.1997. He claims preference in appointment on the ground that he was a full time apprentice with the respondent-Corporation from 15.8.1993 to 14.8.1994.

In the counter affidavit filed on behalf of the respondent, it is stated that the petitioner passed ITI (electrical trade) and underwent apprenticeship with the 'Madhira Depot' of the RTC in 1994; that he had applied for the post of cleaner in response to the notification issued by the Corporation on 31.8.1997, to fill up 17 vacancies of cleaners under direct recruitment quota and that the Corporation had to consider the candidates as per seniority of apprenticeship and since the Corporation had received 641 applications, the seniority of candidates who had completed apprenticeship was consolidated and call letters were issued to the eligible candidates in the ratio of 1:4 to attend interview from 14.10.1997. It is stated that since the petitioner

was junior, he had not come up for consideration in the ratio of 1:4 and therefore no call letter was sent to him and that call letters were sent to the candidates, who had completed apprenticeship in RTC up to 1992 and since the petitioner had undergone apprenticeship in the year 1994, his application would be considered according to the year-wise seniority of apprenticeship, based on the percentage of marks which he had secured in ITI and by following rule of reservation. It is also stated that no person, junior to the petitioner, was called for interview or was appointed to the post of cleaner and that all the vacancies were already filled up and that there is no vacancy.

Sri B. Nageswara Rao, learned counsel for the petitioner, would submit that since the respondent admits that the petitioner would be considered in accordance with his year-wise seniority, a direction shall issue to the respondent-Corporation to appoint the petitioner as and when vacancies arise.

The averments in the counter affidavit are categorical and it is specifically stated that all the applications received from apprentices for appointment to the post of cleaners, would be considered according to the year-wise seniority of apprenticeship, percentage of marks in ITI and by following rule of reservation.

I have no reason to doubt that the respondent would adhere to what it had categorically deposed before this court. I, therefore, see no necessity to issue a specific direction to the respondents in this regard. Suffice to hold that in case the petitioner is not considered in accordance with seniority and any apprentice, junior to the petitioner,

is appointed, it is always open to him to avail such remedies as are open to him in law.

The writ petition fails and is accordingly dismissed. No costs.

RAMESH RANGANATHAN, J

DATE: 26.2.2007

CVM